

AMENDED IN ASSEMBLY MARCH 27, 1919.

AMENDED IN ASSEMBLY MARCH 15, 1919.

ASSEMBLY BILL

No. 196

INTRODUCED BY MR. BAKER,

January 17, 1919.

REFERRED TO COMMITTEE ON MEDICAL AND DENTAL LAWS.

An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the state board of chiropractic examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith.

The people of the State of California do enact as follows:

1 SECTION 1. A board is hereby created to be known as the
2 "state board of chiropractic examiners," hereinafter referred
3 to as the board, which shall consist of five members appointed
4 by the governor. Each member must have pursued a resident
5 course of not less than one thousand hours in a regularly
6 chartered chiropractic school or college, and must be a gradu-
7 ate thereof and hold a diploma therefrom.

8 Each member must have practiced chiropractic in the State
9 of California for a period of three years next preceding the
10 date upon which this act takes effect. No two persons shall
11 serve simultaneously as members of said board, whose first
12 diplomas were issued by the same school or college of chiro-
13 practic, nor shall more than two members be residents of any
14 one county of the state. No person connected financially or
15 otherwise with any chiropractic school or college shall be
16 eligible to appointment as a member of the board. Each
17 member of the board shall receive a per diem of ten dollars
18 for each day during which he or she is actually engaged in
19 the discharge of his or her duty, together with his or her
20 actual and necessary traveling expenses incurred in connection
21 with the performance of the duties of his or her office, such
22 per diem, traveling expenses and other incidental expenses of
23 the board or of its members, to be paid out of the funds of
24 the board hereinafter defined, and not otherwise.

1 SEC. 2. Within sixty days of the date upon which this act
2 takes effect, the governor shall appoint the members of the
3 board. Of the members first appointed one shall be appointed
4 for a term of one year, two for two years and two for three
5 years. Thereafter, each appointment shall be for the term of
6 three years, except that an appointment to fill a vacancy shall
7 be for the unexpired term only. Each member shall serve
8 until his successor has been appointed and qualified. The
9 governor may remove a member from the board after receiving
10 sufficient proof of the inability or misconduct of said member.

11 SEC. 3. The board shall convene within thirty days after
12 the appointment of its members, and shall organize by the
13 election of a president, vice president and a secretary. The
14 secretary shall not be a member of the board. Thereafter
15 elections of officers shall occur annually at the January meet-
16 ing of the board. A majority of the board shall constitute
17 a quorum. It shall require the affirmative vote of three mem-
18 bers of said board to carry any motion or resolution, to adopt
19 any rule, or to authorize the issuance of any license provided
20 for in this act. The secretary shall receive a salary to be
21 fixed by the board in an amount not exceeding one thousand
22 dollars per annum, together with his or her actual and neces-
23 sary traveling expenses incurred in connection with the per-
24 formance of the duties of his or her office, and shall give a bond
25 running to the State of California in such sums and with such
26 sureties as the board of control may deem proper. The secre-
27 tary shall keep a record of the proceedings of the board, which
28 shall at all times during business hours be open to the public
29 for inspection, and shall also keep a true and accurate account
30 of all funds received and of all expenditures incurred or
31 authorized by the board, and on the first day of December of
32 each year he shall file with the governor a report of all
33 receipts and disbursements of the board for the preceding
34 fiscal year.

35 SEC. 4. The board shall have power:

36 (a) To adopt a seal, which shall be affixed to all licenses or
37 other certificates issued by the board;

38 (b) To adopt from time to time such rules and regulations
39 not inconsistent with the provisions of this act as the board
40 may deem proper and necessary for the performance of its
41 work, copies of such rules and regulations to be filed with the
42 secretary of state for public inspection;

43 (c) To examine applicants and to issue and revoke licenses
44 to practice chiropractic, as herein provided;

45 (d) To summon witnesses and to take testimony as to mat-
46 ters pertaining to its duties; and each member shall have
47 power to administer oaths and take affidavits pertaining to
48 this act;

49 (e) To do any and all things necessary or incidental to the
50 exercise of the powers and duties herein granted or imposed.

51 SEC. 5. It shall be unlawful for any person to practice
52 chiropractic in this state unless he shall have first obtained

1 a license as provided in this act. Any person desiring to
 2 practice chiropractic shall make application to the board not
 3 less than fifteen days prior to any regular meeting thereof,
 4 upon such forms and in such manner as may be provided by
 5 the board. Each application must be accompanied by a license
 6 fee of twenty-five dollars and satisfactory evidence showing
 7 good moral character and temperate habits of the applicant.
 8 Except in the cases herein otherwise prescribed such applicant
 9 shall be a graduate of a chartered chiropractic school or col-
 10 lege, approved by the board, which teaches a course of not
 11 less than two thousand hours, and file satisfactory evidence of
 12 having attended not less than eighty per cent of said two
 13 thousand hours.

14 (In addition to the requirements hereinabove provided for
 15 after January first, 1923, every applicant for certificate here-
 16 under shall present to the board at the time of making such
 17 application, a diploma from a high school, or proof, satisfac-
 18 tory to the board of preliminary education equivalent in
 19 training power to a high school course.)

20 The schedule of minimum educational requirements to
 21 enable any person to practice chiropractic in this state is a
 22 follows, to wit, except as herein otherwise provided:

23	Anatomy -----	600 hours
24	Histology -----	100 hours
25	Elementary chemistry and toxicology ---	100 hours
26	Physiology -----	200 hours
27	Bacteriology -----	60 hours
28	Hygiene and sanitation -----	40 hours
29	Pathology -----	200 hours
30	Diagnosis or analysis -----	400 hours
31	Chiropractic theory and practice -----	300 hours
32		
33	Total -----	2,000 hours

34 SEC. 6. (a) The board shall meet as a board of examiners
 35 on the first Tuesday following the second Monday of January
 36 and July of each year, and at such other times and places as
 37 may be found necessary for the performance of their duties.
 38 The office of the board shall be in the city of Sacramento.
 39 Suboffices may be established in Los Angeles and San Fran-
 40 cisco, and such records as may be necessary may be trans-
 41 ferred temporarily to such suboffices. Legal proceedings
 42 against the board may be instituted in any one of said three
 43 cities.

44 (b) All examinations shall be in writing, except in cases
 45 herein otherwise prescribed, and shall be practical in character
 46 according to the teachings of chiropractic, and designed to
 47 ascertain the fitness of the applicant to practice chiropractic.
 48 The subject of said examinations shall be as follows: Anat-
 49 omy, physiology, pathology, diagnosis or analysis, elemenetary
 50 chemistry and toxicology, bacteriology, histology, hygiene and
 51 sanitation, and chiropractic theory and practice. A license
 52 shall be granted to any applicant who shall make a general

average of seventy-five per cent, and not fall below sixty per cent in more than two subjects or branches of said examination. Any applicant failing to make the required grade, shall be given credit for the branches passed, and may, without further cost, take the examination at the next regular examination on the subjects in which he failed. For each year of actual practice since graduation the applicant shall be given a credit of one per cent on the general average; but in no case shall the maximum of such credits exceed ten per cent.

SEC. 7. One form of certificate shall be issued by the board of chiropractic examiners, which said certificate shall be designated "License to practice chiropractic," and shall authorize the holder thereof to practice chiropractic in the State of California; provided, however, that said certificate shall not authorize the holder thereof to administer any drugs, or what are known as medicinal preparations, or in any manner penetrate or sever the tissues of human beings, or to practice obstetrics.

SEC. 8. Any person who shall have practiced chiropractic for four years after graduation from a chiropractic school or college, two years of which shall have been in this state immediately preceding the date upon which this act takes effect, or any person who graduated from a chiropractic school or college prior to January 1, 1919, and who shall present to the board satisfactory proof of having pursued a resident course of not less than one thousand hours in a legally chartered chiropractic school or college shall be given an oral, practical and clinical examination, and if he, or she, makes a grade of seventy-five per cent in such examination, the board shall grant a license to said applicant to practice chiropractic in this state under the provisions of this act; *provided, however*, application for said license is made within six months of the date upon which this act takes effect and that each applicant shall pay to the secretary of the board the sum of twenty-five dollars and present his or her diploma and proof of having pursued a resident course in a legally chartered chiropractic school or college, together with satisfactory evidence of good moral character and temperate habits.

SEC. 9. Notwithstanding any provision contained in any other section of this act the board, upon receipt of the fee of twenty-five dollars, shall issue a license to any of the following named persons:

(a) To each member of the board;

(b) To all persons who furnish proof that they have been registered as chiropractic practitioners by examination in some other state, and that they have had five years' experience, and that they are of good moral character and temperate habits; *provided*, that such other state in its examinations requires the same general degree of fitness as is required by examination in this state, and the applicant qualifies in all other respects as is required for registration by examination in this state; and *provided, further*, that such other state in like

1.anner grants reciprocal registration to chiropractic practi-
2.ioners of this state.

3. Sec. 10. (a) The board shall refuse to grant, or may
4. revoke, a license to practice chiropractic in this state or may
5. cause a licensee's name to be removed from all records of
6. licensed practitioners of chiropractic in this state, upon any
7. of the following grounds, to wit:

8. The employment of fraud or deception in applying for a
9. license or in passing an examination as provided in this act;
10. the practice of chiropractic under a false or assumed name;
11. or the personation of another practitioner of like or different
12. name; the conviction of a crime involving moral turpitude;
13. habitual intemperance in the use of ardent spirits, narcotics
14. or stimulants to such an extent as to incapacitate him for the
15. performance of his professional duties; the advertising of any
16. means whereby the monthly periods of women can be regulated
17. or the menses re-established if suppressed; or the advertising
18. directly, indirectly or in substance, upon any card, sign, news-
19. paper advertisement, or other written or printed sign or adver-
20. tisement, that the holder of such license or any other person,
21. company or association by which he or she is employed, or in
22. whose service he or she is, will treat, cure, or attempt to treat
23. or cure, any venereal disease; or will treat or cure, or attempt
24. to treat or cure, any person afflicted with any sexual disease,
25. for lost manhood, sexual weakness or sexual disorder or any
26. disease of the sexual organs; or being employed by, or being
27. in the service of any person, company or association so adver-
28. tising. Any person who is a licentiate, or who is an applicant
29. for a license to practice chiropractic against whom any of the
30. foregoing grounds for revoking or refusing a license is pre-
31. sented to the board with a view of having the board revoke
32. or refuse to grant a license, shall be furnished with a copy of
33. the complaint, and shall have a hearing before the board in
34. person or by an attorney, and witnesses may be examined by
35. the board respecting the guilt or innocence of the accused.
36. The secretary in all cases of revocation shall enter on his reg-
37. ister the fact of such revocation, and shall certify the fact of
38. such revocation under the seal of the board to the county clerk
39. of the counties in which the certificates of the person whose
40. certificate has been revoked is recorded; and said clerk must
41. thereupon write upon the margin or across the face of his
42. register of the certificate of such person, the following: "This
43. certificate was revoked on the ----- day of -----," giving the
44. day, month and year of such revocation in accordance with
45. said certification to him by said secretary. The record of such
46. revocation so made by said county clerk shall be prima facie
47. evidence of the fact thereof, and of the regularity of all pro-
48. ceedings of said board in the matter of said revocation.

49. (b) At any time after two years following the revocation
50. or cancellation of a license or registration under this section,
51. the board may, by a majority vote, reissue said license to the
52. person affected, restoring him to, or conferring on him all the

rights and privileges granted by his original license or certificate. Any person to whom such rights have been restored shall pay to the secretary the sum of twenty-five dollars upon the issuance of a new license.

SEC. 11. (a) No person licensed under this act shall practice chiropractic in any county of the state until he or she shall have first recorded his or her license with the county clerk of said county in which he or she intends to practice, and shall have it likewise recorded in the counties into which he shall subsequently move for the purpose of practicing chiropractic.

(b) The county clerk of each county in this state shall keep for public inspection, in a book provided for that purpose, a complete list and description of the licenses recorded by him. When any such license shall be presented to him for record he shall stamp upon the face thereof his signed memorandum of the date when such license was presented for record.

SEC. 12. Each person practicing chiropractic within this state shall, on or before the first day of January of each year, after a license is issued to him as herein provided pay to said board of chiropractic examiners a renewal fee of two dollars. The secretary shall, on or before November first of each year, mail to all licensed chiropractors in this state a notice that the renewal fee will be due on or before the first day of January next following. Nothing in this act shall be construed to require the receipts to be recorded in like manner as original licenses. The failure, neglect or refusal of any person holding a license or certificate to practice under this act in the State of California, to pay said annual fee of two dollars during the time his or her license remains in force, shall, after a period of sixty days from the first day of January of each year, *ipso facto*, work a forfeiture of his or her license or certificate, and it shall not be restored except upon the written application therefor, and the payment to the said board of a fee of ten dollars, except that such licentiate who fails, refuses or neglects to pay such annual tax within a period of sixty days after the first day of January of each year shall not be required to submit to an examination for the reissuance of such certificate.

SEC. 13. Chiropractic licentiates shall observe and be subject to all state and municipal regulations relating to the control of contagious or infectious diseases; () and shall report any and all matters pertaining to the public health to the proper health officers.

SEC. 14. All moneys received by the board under this act shall be paid to the secretary of said board, who shall give a receipt for the same and shall at the end of each month report to the state controller the total amount of money received by him on behalf of said board from all sources, and shall at the same time deposit with the state treasurer the entire amount of such receipts, and the state treasurer shall

1 place the money so received in a special fund, to be known as
2 the "state board of chiropractic examiners' fund," which
3 fund is hereby created. Such fund shall be expended in
4 accordance with law for all necessary and proper expenses in
5 carrying out the provisions of this act, upon proper claims
6 approved by said board or a finance committee thereof.

7 SEC. 15. Any person who shall practice or attempt to prac-
8 tice chiropractic, or any person who shall buy, sell or fraudu-
9 lently obtain a license to practice chiropractic, whether recorded
10 or not, or who shall use the title "chiropractor" or "D. C.,"
11 or any word or title to induce, or tending to induce belief
12 that he is engaged in the practice of chiropractic without first
13 complying with the provisions of this act; (or any licensee
14 under this act who uses the word "doctor" or the prefix
15 "Dr." without the word "chiropractor" immediately follow-
16 ing his or her name, or the use of the letters "M. D." or the
17 words "doctor of medicine" or the term "surgeon" or the
18 term "physician," or the word "osteopath" or the letters
19 "D. O.," or any other letters, prefixes, or suffixes, the use of
20 which would indicate that he or she was practicing a profession
21 for which he held no license from the State of California;) or
22 any person who shall violate any of the provisions of this act,
23 shall be guilty of a misdemeanor and upon conviction thereof
24 shall be punished by a fine of not less than fifty dollars and
25 not more than two hundred dollars, or by imprisonment in the
26 county jail for not less than thirty days nor more than ninety
27 days, or both.

28 SEC. 16. Nothing in this act shall be construed to prohibit
29 service in case of emergency, or the domestic administration
30 of chiropractic, nor shall this act apply to any chiropractor
31 from any other state or territory who is actually consulting
32 with a licensed chiropractor in this state; *provided*, that such
33 consulting chiropractor shall not open an office or appoint
a place to receive patients within the limits of this state; nor
shall this act be construed so as to discriminate against any
particular school of chiropractic, or any other treatment; nor
to regulate, prohibit or apply to, any kind of treatment by
prayer; nor to interfere in any way with the practice of
religion. Nor shall this act apply to chiropractors who are
licensed under other acts. The practice of chiropractic within
the meaning of this act shall be the making of a chiropractic
analysis or diagnosis and the adjustment by hand of any of
the articulations of the human vertebral column in the manner
and by the process known as the chiropractic thrust.

4 SEC. 17. It shall be the duty of the several district attor-
5 neys of the counties of this state to prosecute all persons
charged with the violation of any of the provisions of this act.
It shall be the duty of the secretary of the board, under direc-
tion of the board, to aid said district attorneys in the enforce-
ment of the provisions of this act.

1 SEC. 18. Nothing herein shall be construed as repealing

1 the "medical practice act" of June 2, 1913, as amended
2 April 24, 1915, and April 11, 1917, except in so far as this
3 act may conflict with the provisions of said act as applied to
4 chiropractic practitioners licensed under this act, to which
5 extent any and all acts or parts of acts in conflict herewith
6 are hereby repealed.

7 SEC. 19. If any section, subsection, sentence, clause
8 phrase of this act is for any reason held to be unconstitutional
9 such decision shall not affect the validity of the remain-
10 ing portion of this act. The legislature hereby declares that
11 it would have passed this act, and each section, subsection,
12 sentence, clause and phrase thereof, irrespective of the fact
13 that any one or more other sections, subsections, sentences, clauses
14 or phrases be declared unconstitutional.